



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

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DENVER, COLORADO 80202-2466

EC →  
970369

NOV 10 1997

Ref: 8EPR-EP

Mr. Lawrence A. Froberg  
District Ranger, Libby Ranger District  
Kootenai National Forest  
12557 Highway 37  
Libby, Montana 59923

Re: DEIS Review  
Wayup Mine / 4th of July Roads

Dear Mr. Froberg:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Region VIII Office of the Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Wayup Mine / Fourth of July Road Access dated September 1997. We offer the following concerns and comments for your consideration as you complete the Final Environmental Impact Statement (FEIS).

1. Chapter 3, the Affected Environment and Environmental Consequences, did not include the direct and cumulative effects of motorized access to the Wayup Mine and Fourth of July properties. The EIS should analyze the direct effects of motorized mineral exploration and development including: drilling, excavation, heavy equipment traffic, ground clearing, etc. The cumulative effects analysis should include an estimate of reasonable development for the parcels. For example, large scale exploration (the parcels appear to be near the Montanore/Rock Creek mineralized area) or summer home development seem reasonably foreseeable.
2. For example on page 2-5, Table 2.1 "Comparison of Alternatives by Issue and Measure Indicator" should disclose the effects of motorized access. The effects of the "no action" or "non-motorized access" alternative should be compared to the sum of the impacts from road construction and increased development.

The potential mining exploration or development areas appear to disturb 90 acres. The new or rebuilt roads appear to disturb about 5 or 6 acres. The environmental impacts from mining exploration and development could be more significant than the road impacts because of the potential to disturb larger areas and acid mine drainage generating material.

3. Page 3-27 Watershed and Hydrology Resource Issues and pages 3-55 through 3-61 Fisheries - Synthesis of Information and Effects sections: These sections of the EIS describe a watershed that is already over capacity for increased water yields, sediment, nutrients and habitat impacts. Yet, the proposed roads and mining development will worsen conditions. Depending on how the private parcels are developed, conditions may significantly worsen.

The EIS should add alternatives which would have a neutral or improved effect on the watershed. Some possible alternatives are:

- (1) Reduce future timber harvests or other activities which increase peak flows to offset increases from road and mine development;
- (2) Limit sediment, nutrients and metals and reduce peak flows from mine exploration and development activities; \*
- (3) Revegetation and other erosion controls on previous mining, timber harvest, or other disturbed areas; or
- (4) Riparian restoration, revegetation of banks in areas in addition to the lower West Fisher River bridge area.

\* This alternative may be beyond the jurisdiction of the Forest Service. However, this alternative appears to be one of the most effective and reasonable alternatives to protect the watershed.

4. Page 2-27 Resource Issues: The designation of the Fisher River as a Water Quality Limited Stream Segment means Total Maximum Daily Loads (TMDL) will need to be developed as part of water quality improvement planning. TMDLs are the maximum load of a pollutant (e.g., sediment, nutrient, metal) a waterbody is able to assimilate and fully support its designated uses and meet Water Quality Standards (WQS). Section 303(d) of the Clean Water Act (CWA) requires States to identify water bodies that are impaired or threatened by pollution (i.e. not meeting WQS). The States are also required to develop plans to reduce impairment. Preparation of a TMDL is usually the first part of the plan to improve water quality.

Although the State has the lead in preparing TMDLs, the Forest Service should work with the State to develop and incorporate Fisher River TMDLs into the EIS. We recommend that the Forest Service contact the Gary Ingman with the Montana Department of Environmental Quality in Helena at 444-53120 for TMDL information.

The TMDL analysis should be used to more definitively evaluate the water quality effects and is a very effective way to analyze cumulative effects on watersheds. Agriculture, channelization, and removal of riparian vegetation were identified by the State as the sources limiting water quality in the Fisher River. From the water resource issues



discussions in the EIS, it appears Fisher River TMDLs need to be established for sediment, temperature, nutrients and bank stability.

Based on the procedures EPA uses to evaluate the potential effects of proposed actions and the adequacy of the information in the DEIS, the Preferred Alternative identified by the DEIS for the Wayup Mine / Fourth of July Road Access will be listed in the Federal Register in the category EC-2. This means that the review has identified environmental impacts that should be avoided in order to fully protect the environment and the DEIS does not contain sufficient information to fully assess environmental impacts that should be avoided to fully protect the environment. Attached is a summary of EPA's rating definitions.

For future reference, the Denver EPA office does not typically review Montana EISs, except for large mining projects. Montana EISs are reviewed by the EPA Montana Operations Office in Helena. Normally, Montana EISs should be sent for review to only EPA Headquarters and the Helena office. We are reviewing this DEIS due to the heavy workload in our Montana office.

We appreciate your interest in our comments. Please contact Dana Allen (303) 312-6870 if you have any questions about these comments.

Sincerely,



Carol L. Campbell, Director  
Ecosystems Protection Program  
Office of Ecosystems Protection  
and Remediation

cc: Steve Potts, EPA MT  
Gary Ingman, MDEQ



# EPA EIS RATINGS

Section 309 of the Clean Air Act requires the EPA to review and comment in writing on environmental impact statements (EIS). It is EPA's policy to rate draft EIS summarizing EPA's level of concern and follow-up with the lead agency. The rating is in two parts. The first letters are the rating of the environmental impact of the action (Ratings: LO, EC, EO or EU). The second part of the rating is the adequacy of the information in the EIS document (Ratings: 1, 2 or 3).

## SUMMARY OF EIS RATING DEFINITIONS AND FOLLOW-UP ACTION \*

### Environmental Impact of the Action

#### LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of situation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### EO--Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### Adequacy of the Impact Statement

#### Category 1 -- Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### Category 2 -- Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### Category 3 -- Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft state. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment.